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UNITED STATES COURT OF APPEALS

Marcia M. Waldron
Clerk

FOR THE THIRD CIRCUIT
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Philadelphia PA 19106-1790

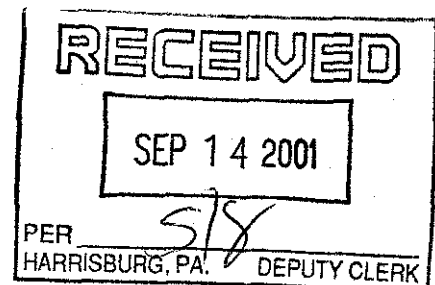
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September 12, 2001

Mrs. Mary D'Andrea
U.S. District Court for the Middle District of Pennsylvania
Middle District of Pennsylvania
228 Walnut Street
Room 1060
Harrisburg, PA 17108

RE: Docket No. 00-2770
Starner vs. Cumberland Ctyy
D. C. CIV. No. 00-cv-01464 *J. Caldwell*



Dear Mrs. D'Andrea:

Enclosed is a certified copy of the judgment in the above-entitled case(s), together with copy of the opinion. The certified judgment is issued in lieu of a formal mandate and is to be treated in all respects as a mandate.

(X) We return herewith the certified record in the case(s).
(X) FIRST and SECOND SUPPLEMENTAL

() We release herewith the certified list in lieu of the record.

Kindly acknowledge receipt for same on the enclosed copy of this letter.

Counsel are advised of the issuance of the mandate by copy of this letter. A copy of the certified judgment is also enclosed showing costs taxed, if any.

Very truly yours,
MARCIA M. WALDRON
Clerk

Phyllis Ruffin
By: Phyllis Ruffin
Case Manager

Enclosure

ack'd
9/14/01
BT8

cc:

Randy Alan Starner #D-15

BPS-233

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 00-2770

RANDY ALAN STARNER,

Appellant

v.

CUMBERLAND COUNTY PRISON; EARL REITZ, Warden

On Appeal From the United States District Court
For the Middle District of Pennsylvania
(D.C. Civ. No. 00-CV-01464)
District Judge: Honorable William W. Caldwell

Submitted For Possible Dismissal Under 28 U.S.C. § 1915(e)(2)(B)
July 19, 2001

Before: SCIRICA, ROTH, AND MCKEE, CIRCUIT JUDGES

JUDGMENT

This cause came on to be heard on the record from the United States District Court for the Middle District of Pennsylvania and was submitted for possible dismissal under 28 U.S.C. §1915(e)(2)(B). On consideration whereof, it is now here

ORDERED AND ADJUDGED by this court that the appeal is dismissed under 28

ORDERED AND ADJUDGED by this court that the appeal is dismissed under 28 U.S.C. §1915(e)(2)(B). All of the above in accordance with the opinion of this Court.

ATTEST:

Marcia M. Waldron
Clerk

DATED: August 21, 2001

Certified as a true copy and issued in lieu
of a formal mandate on September 12, 2001

Teste: *Marcia M. Waldron*

Clerk, United States Court of Appeals
for the Third Circuit

BPS-233

UNREPORTED-NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 00-2770

RANDY ALAN STARNER,

Appellant

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FILED
HARRISBURG, PA

SEP 14 2001

MARY E. D'ANDREA, CLERK
Per 018
Deputy Clerk

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(Filed August 21, 2001)

OPINION

PER CURIAM

Randy Allen Starnar appeals the District Court decision dismissing his civil rights

complaint as frivolous. In his complaint, Starner alleged that his constitutional rights were violated because the prison warden unconstitutionally stopped Saturday mail delivery after the person who delivered mail on Saturday retired.

We agree with the District Court that Starner has no constitutional right to mail delivery on Saturdays. See Altizer v. Deeds, 191 F.3d 540, 542 n.2 (4th Cir. 1999) (stating that it was "not surprising" that a prisoner's prior suit alleging that prison officials violated his constitutional rights by not delivering his mail on Saturdays was dismissed as frivolous). Although Starner alleges that "often legal settlements and decision responses hinges on my ability to receive and send mail as normally provided by the postal service," he has not demonstrated actual or imminent injury from his inability to send or receive mail on Saturdays. See Lewis v. Casey, 518 U.S. 343 (1996).

For the foregoing reasons, the appeal will be dismissed. Starner's motion for appointment of counsel is denied as moot.